

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-2089

United States of America,

Appellee,

v.

Gregory D. White,

Appellant.

*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the Western
District of Arkansas.

[UNPUBLISHED]

Submitted: November 7, 2001
Filed: November 30, 2001

Before BOWMAN, FAGG, and LOKEN, Circuit Judges.

PER CURIAM.

Gregory D. White was convicted, upon a jury verdict, of thirty-three counts of mail fraud. See 18 U.S.C. §§ 1341 and 2 (1994). The District Court¹ sentenced him to eighteen months' imprisonment on each count, to run concurrently, and three years' supervised release. In this appeal of his conviction and sentence, White's counsel has filed a brief and moved to withdraw under Anders v. California, 386 U.S. 738 (1967), and White has filed a pro se supplemental brief. We address seriatim the arguments in the Anders and supplemental briefs, and we affirm.

¹The Honorable Robert T. Dawson, United States District Judge for the Western District of Arkansas.

Specifically, (1) the evidence at trial sufficiently supports the jury's verdict, see United States v. Robinson, 217 F.3d 560, 564 (8th Cir.) (standard of review), cert. denied, 531 U.S. 999 (2000); United States v. Bearden, 265 F.3d 732, 736 (8th Cir. 2001) (listing the elements of mail fraud); (2) White did not make a showing that the lack of African Americans on his jury venire panel was the result of systematic exclusion so as to violate his Sixth Amendment rights, see United States v. Clifford, 640 F.2d 150, 156 (8th Cir. 1981); (3) we reject his arguments that he is entitled to relief based on an alleged violation of Brady v. Maryland, 373 U.S. 83 (1963), see Dye v. Stender, 208 F.3d 662, 665 (8th Cir. 2000), and that the District Court committed clear error in denying a sentence reduction for acceptance of responsibility, see United States v. Ervasti, 201 F.3d 1029, 1043-44 (8th Cir. 2000); (4) the Court's jury instructions, as a whole, fairly and adequately submitted the issues to the jury, see United States v. Lalley, 257 F.3d 751, 755 (8th Cir. 2001); (5) the government properly charged White for each individual instance of mail fraud in the scheme, see United States v. Gardner, 65 F.3d 82, 85 (8th Cir. 1995), cert. denied, 516 U.S. 1064 (1996); and (6) based on our holding that sufficient evidence supports White's convictions, we find meritless his contentions that the acts he committed were not included in the mail fraud statute, and that the grand jury failed to adequately investigate, see United States v. Dugan, 150 F.3d 865, 868 (8th Cir.), cert. denied, 525 U.S. 1009 (1998).

Having reviewed the record independently pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, we affirm, and we grant counsel's motion to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.